

IC ON THE RECORD



Remarks by President Obama on Review of Signals Intelligence

January 17, 2014

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Outgoing NSA Deputy Director John Inglis Interviewed on National Public Radio

January 10, 2013

National Security Agency Deputy Director John C. "Chris" Inglis has spent most of his time recently defending the NSA from revelations by former contractor Edward Snowden. Snowden disclosed that the agency was gathering phone records of millions of Americans.

Inglis retires Friday. Before stepping down, he talked to Morning Edition co-host Steve Inskeep about running a spy agency in a democracy. Below is a transcript of the unedited audio of their conversation.

[Listen to the interview via NPR's Morning Edition.](#)

Full Transcript:

DAVID GREENE, HOST: This is MORNING EDITION, from NPR News. I'm David Greene.

STEVE INSKEEP, HOST: And I'm Steve Inskeep. We walked, this week, into a vast building covered in reflective glass, the headquarters of the National Security Agency. We met there with John C. "Chris" Inglis. He's the agency's No. 2, its top civilian beneath the general who runs it, Keith Alexander. Inglis was in his final week at the NSA.

STEVE INSKEEP (HOST): OK, is it disappointing to have your final year at the NSA look like this past year has?

CHRIS INGLIS (NSA): Yes and no. Certainly yes, in terms of the shock and dismay that's been induced in the American public, and some of the people who stand in the shoes of the American public, the Congress, about NSA. The accusations of misbehavior, which have not been borne out. That's certainly disappointing. But given all that I have gotten from NSA, it's been a year when I can pay back. It's been a year when I can help reinforce the workforce.

It's a year when I can step up and be held accountable for describing what the workforce does, describing what the mission is. And so, to that extent, I've been pleased that I stayed an extra year. Most deputy directors at NSA, on average, serve about three and a half years. And I'm sitting now at about seven and a half years. And so by rights, I would have left three years ago.

But we stayed, Gen. Alexander and I both stayed for a combination of reasons year by year. In the beginning of this year, we knew that we were going to head into some financial difficulties. The nation is trying to figure its way through sequestration. There were some furloughs that were on the table for the Department of Defense. And so we decided that we would stay through this year, and I'm very glad I did.

INSKEEP: How damaging have the Snowden revelations been to this agency, in terms of its operations, its moral, anything else?

INGLIS: Well, I think you've hit it. They're damaging on several counts. First and foremost, we've revealed quite a bit through these unauthorized disclosures to our adversaries about how we express our interest in them, the means by which we might then divine some intelligence information about them. Such that those who are keenly paying attention to that might then avoid our interest. And so we can say with great confidence that terrorists and rogue nations have been paying attention and have begun to take the necessary steps to invalidate the means and methods by which we would get intelligence on them. But it also has harmed relationships between the executive branch and other components of the government.

As accusations have been made, again, in my view, most of which have been shown to be false, of activities within the executive branch that weren't fully understood or authorized by either the legislative branch or authorized by the judicial branch. And we've had to work hard to essentially understand what was true and what we have done and how we've exercised those authorities. The American public is certainly in a state of shock and dismay about what have been alleged abuses by NSA. The presidential review group recently concluded that there have been no illegalities or abuses by NSA. There are matters of policy before us, in terms of how you employ modern intelligence capabilities like we have at NSA. But I think that, you know, that's something that has to be repaired. We have to actually kind of be more transparent going forward, so the American public understands what we do, why we do it, how we do it.

And then, two, there have been some difficulties between ourselves and this nation and other nations with whom we were aligned, with whom we have common interests. And we're going to have to work on repairing and restoring that. And then, finally, the private sector, which essentially is the engine of commerce driving the Internet forward. There have been many accusations hurled in their direction about what they have or haven't done. And I think, again, when it's all sorted out we'll find that they've acted very responsible. And we're going to have to work hard to repair that, their reputation not just with the American public, but their reputation with those consumers of their products and services around the world.

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Readout of the IC Leadership's Meeting with the President's Review Group on Intelligence and Communications Technologies

January 7, 2014

The Director of National Intelligence, James Clapper, and other Intelligence Community leaders met today with three members of the President's Review Group on Intelligence and Communications Technologies. The purpose of the meeting was to discuss the Group's findings and recommendations in their report, "Liberty and Security in a Changing World," delivered to the President on December 18, 2013.

DNI Clapper welcomed Review Group members Geoffrey Stone, Cass Sunstein and Peter Swire and thanked all the members for their service. The meeting allowed senior IC officials to hear directly from the Review Group about the goals and objectives of the report's recommendations and to ask questions about the groups findings.

Attendees discussed several recommendations covering a wide range of topics including: the collection of bulk metadata under Section 215 of the Foreign Intelligence Surveillance Act; security clearance reform; encryption; judicial approval of national security letters; and judicial approval of non-disclosure orders.

Throughout the meeting, Review Group members expressed gratitude to the IC for helping keep Americans safe. DNI Clapper praised the Review Group for facilitating an informed public discussion about proposed reforms and thanked the members for their commitment to preserving IC capabilities while further strengthening privacy protections

and oversight. He also expressed his appreciation for the ongoing close coordination and consultation between the Administration, Congress, and the Intelligence Community as we work together on a measured approach to intelligence reforms.

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Letter to the New York Times Editor from ODNI General Counsel Robert Litt

Letter published January 3, 2014 in the [New York Times](#)

To the Editor:

"Edward Snowden, Whistle-Blower" (editorial, Jan. 2) repeats the allegation that James R. Clapper Jr., the director of national intelligence, "lied" to Congress about the collection of bulk telephony metadata. As a witness to the relevant events and a participant in them, I know that allegation is not true.

Senator Ron Wyden asked about collection of information on Americans during a lengthy and wide-ranging hearing on an entirely different subject. While his staff provided the question the day before, Mr. Clapper had not seen it. As a result, as Mr. Clapper has explained, he was surprised by the question and focused his mind on the collection of the content of Americans' communications. In that context, his answer was and is accurate.

When we pointed out Mr. Clapper's mistake to him, he was surprised and distressed. I spoke with a staffer for Senator Wyden several days later and told him that although Mr. Clapper recognized that his testimony was inaccurate, it could not be corrected publicly because the program involved was classified.

This incident shows the difficulty of discussing classified information in an unclassified setting and the danger of inferring a person's state of mind from extemporaneous answers given under pressure. Indeed, it would have been irrational for Mr. Clapper to lie at this hearing, since every member of the committee was already aware of the program.

Robert S. Litt
General Counsel
Office of the Director of National Intelligence
Washington, Jan. 3, 2014

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Foreign Intelligence Surveillance Court Approves Government's Application to Renew Telephony Metadata Program

January 3, 2014

On several prior occasions, the Director of National Intelligence has declassified information about the telephony metadata collection program under the "business records" provision of the Foreign Intelligence Surveillance Act, 50 U.S.C. Section 1861 (also referred to as "Section 215"), in order to provide the public a more thorough and balanced understanding of the program. Consistent with his prior declassification decisions and in light of the significant and continuing public interest in the telephony metadata collection program, DNI Clapper has decided to declassify and disclose publicly that the government filed an application with the Foreign Intelligence Surveillance Court seeking renewal of

the authority to collect telephony metadata in bulk, and that the court renewed that authority on January 3, 2014.

It is the administration's view, consistent with the recent holdings of the United States District Courts for the Southern District of New York and Southern District of California, as well as the findings of 15 judges of the Foreign Intelligence Surveillance Court on 36 separate occasions over the past seven years, that the telephony metadata collection program is lawful. The Department of Justice has filed an appeal of the lone contrary decision issued by the United States District Court for the District of Columbia.

Nevertheless, the Intelligence Community continues to be open to modifications to this program that would provide additional privacy and civil liberty protections while still maintaining its operational benefits. To that end, the Administration is carefully evaluating the recommendation of the President's Review Group on Intelligence and Communications Technologies regarding transitioning the program to one in which the data is held by telecommunications companies or a third party. In addition, the Privacy and Civil Liberties Oversight Board will complete a report on this program in the near future. The Administration will review all of these recommendations and consult with Congress and the Intelligence Community to determine if there are ways to achieve our counterterrorism mission in a manner that gives the American people greater confidence.

The Administration is undertaking a declassification review of this most recent court order.

Shawn Turner
Director of Public Affairs
Office of the Director of National Intelligence

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DNI Announces the Declassification of the Existence of Collection Activities Authorized by President George W. Bush Shortly After the Attacks of September 11, 2001

December 21, 2013

Yesterday, the Director of National Intelligence ("DNI") announced the declassification of the existence of collection activities authorized by President George W. Bush shortly after the attacks of September 11, 2001.

Starting on October 4, 2001, President Bush authorized the Secretary of Defense to employ the capabilities of the Department of Defense, including the National Security Agency ("NSA"), to collect foreign intelligence by electronic surveillance in order to detect and prevent acts of terrorism within the United States. President Bush authorized NSA to collect: (1) the contents of certain international communications, a program that was later referred to as the Terrorist Surveillance Program ("TSP"), and (2) telephony and Internet non-content information (referred to as "metadata") in bulk, subject to various conditions.

President Bush issued authorizations approximately every 30-60 days. Although the precise terms changed over time, each presidential authorization required the minimization of information collected concerning American citizens to the extent consistent with the effective accomplishment of the mission of detection and prevention of acts of terrorism within the United States. NSA also applied additional internal constraints on the presidentially-authorized activities.

Over time, the presidentially-authorized activities transitioned to the authority of the Foreign Intelligence Surveillance Act ("FISA"). The collection of communications content pursuant to presidential authorization ended in January 2007 when the U.S. Government transitioned the TSP to the authority of the FISA and under the orders of the Foreign Intelligence Surveillance Court ("FISC"). In August 2007, Congress enacted the Protect America Act ("PAA") as a temporary measure. The PAA, which expired in February 2008, was replaced by the FISA Amendments Act of 2008, which was enacted in July 2008 and remains in effect. Today, content collection is conducted pursuant to section 702 of FISA. The metadata activities also were transitioned to orders of the FISC. The bulk collection of telephony metadata transitioned to the authority of the FISA in May 2006 and is collected pursuant to section 501 of FISA. The bulk collection of Internet metadata was transitioned to the authority of the FISA in July 2004 and was collected pursuant to section 402 of FISA. In December 2011, the U.S. Government decided to not seek reauthorization of the bulk collection of Internet metadata.

After President Bush acknowledged the TSP in December 2005, two still-pending suits were filed in the Northern District of California against the United States and U.S. Government officials challenging alleged NSA activities authorized by President Bush after 9/11. In response the U.S. Government, through classified and unclassified declarations by the DNI and NSA, asserted the state secrets privilege and the DNI's authority under the National Security Act to protect intelligence sources and methods. Following the unauthorized and unlawful release of classified information about the Section 215 and Section 702 programs in June 2013, the Court directed the U.S. Government to explain the impact of declassification decisions since June 2013 on the national security issues in the case, as reflected in the U.S. Government's state secrets privilege assertion. The Court also ordered the U.S. Government to review for declassification all prior classified state secrets privilege and sources and methods declarations in the litigation, and to file redacted, unclassified versions of those documents with the Court.

The eight previously classified DNI declarations and classified NSA declarations that were filed in support of the U.S. Government's prior assertions of the state secrets privilege and sources and methods privilege in this litigation are posted on the [Office of the Director of National Intelligence website](#) and [ICOnTheRecord.tumblr.com](#), the public website dedicated to fostering greater public visibility into the intelligence activities of the U.S. Government. Some information has been redacted from the declarations to protect information that remains properly classified for national security reasons and because of the great harm to national security if disclosed. The unclassified DNI and NSA declarations filed with the Court yesterday are also posted.

Office of the Director of National Intelligence Public Affairs

Documents:

- [DNI McConnell 2007 Shubert State Secrets Declaration](#)
- [DNI Blair 2009 Jewel State Secrets Declaration](#)
- [DNI Blair 2009 Shubert State Secrets Declaration](#)

- [DNI Clapper 2012 Jewel State Secrets Declaration](#)
- [DNI Clapper 2013 Jewel Shubert State Secrets Declaration](#)
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Keynote Address with National Security Agency Deputy Director John C. “Chris” Inglis

Penn Law’s Center for Ethics and the Rule of Law Conference

On the Very Idea of Secret Laws: Transparency and Publicity in Deliberative Democracy

November 22, 2013 (video released Dec 9, 2013)

Keynote Address:

Mr. John C. “Chris” Inglis, Deputy Director of the National Security Agency

Discussant:

Mr. Steven Aftergood, Project on Government Secrecy, Federation of American Scientists

Via law.upenn.edu

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<http://tumblr.co/ZZQjsq1>[Twitter](#)[Facebook](#)[Pinterest](#)[Google+](#)[Go to LinkPop-upView Separately](#)**As Delivered Opening Remarks of Robert Litt, General Counsel for the Office of the Director of National Intelligence****Continued Oversight of U.S. Government Surveillance Authorities****Senate Judiciary Committee****December 11, 2013****Dirksen Senate Office Building, Room 226, 2:00 p.m.**

Thank you, Mr. Chairman, Ranking Member Grassley, members of the subcommittee.

We do appreciate the opportunity to appear today to continue our discussions about the intelligence activities that are conducted pursuant to the Foreign Intelligence Surveillance Act.

It's critical to assume that the public dialogue on this topic is grounded in fact rather than in misconceptions. And we, therefore, understand the importance of helping the public understand how the intelligence community actually uses the legal authorities provided by Congress to gather foreign intelligence and the extent to which there is vigorous oversight of those activities to ensure that they comply with the law.

As you know, the president directed the intelligence community to make as much information as possible available about certain intelligence programs that were the subject of unauthorized disclosure consistent with protecting national security and sensitive sources and methods.

Since that time, the Director of National Intelligence has declassified and released thousands of pages of documents about these programs, including court orders, and a variety of other documents. We're continuing to do so.

These documents demonstrate both that the programs were authorized by law, and that they were subject to vigorous oversight, as General Alexander said, by all three branches of government.

It's important to emphasize that this information was properly classified. It's been declassified only because in the present circumstances, the public interest in declassification outweighs the national security concerns that originally prompted classification.

In addition to declassifying documents, we've taken significant steps to allow the public to understand the extent to which we use the authorities in FISA going forward. Specifically, as we described in more detail in the written statement that we submitted for the record, the government will release on an annual basis the total number of orders issued under various FISA authorities, and the total number of targets affected by those orders.

Moreover, we recognize that it's important for companies to be able to reassure their customers about how often, or more precisely, how rarely, the companies provide information to the government. And so we've agreed to allow the companies to report the total number of law enforcement and national security legal demands they receive each year, and the number of accounts affected by those orders.

We believe that these steps strike the proper balance between providing the public relevant information about the use of these legal authorities, while at the same time, protecting important collection capabilities.

A number of bills that have been introduced in Congress, including the USA Freedom Act, which you've sponsored, Mr. Chairman, contain provisions that would require or authorize additional disclosures. We share the goals that these laws and bills provide, providing the public with greater insight into the government's use of FISA authorities.

However, we are concerned that some of the specific proposals raise significant practical or operational concerns. In particular, we need to make sure that any disclosures are operationally feasible with a reasonable degree of effort, and that they would provide meaningful information to the public.

We also need to make sure that the disclosures do not compromise significant intelligence collection capabilities by providing our adversaries information that they can use to avoid surveillance.

But, Mr. Chairman, I do want to emphasize our commitment to work with this committee and others to ensure the maximum possible transparency about our intelligence activities, consistent with national security. We're open to considering any proposals, so long as they are feasible and do not compromise our ability to collect the information we need to protect our nation and its allies.

And we've been in discussion with the staff of this committee and the Intelligence Committee on some proposals and some alternate means of trying to provide greater transparency while protecting our critical sources and methods. We look forward to continuing to work with you in this regard.

Thank you.

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As Delivered Opening Remarks of General Keith Alexander, Director of the National Security Agency

Continued Oversight of U.S. Government Surveillance Authorities

Senate Judiciary Committee

December 11, 2013

Dirksen Senate Office Building, Room 226, 2:00 p.m.

Chairman, thank you.

And, I'll keep my opening remarks short. But I would like to hit a few key things.

First, NSA is a foreign intelligence agency. Those acts and tools that we do are to connect what we know about foreign intelligence to what's going on here in the United States.

We need tools to bring that together. I want to talk briefly about some of those tools.

And some of those tools, like Section 215, in my opinion, and I think in the court's, are constitutional. We're authorized by Congress. They're legal. They're necessary. And they've been effective.

From my perspective, the threats are growing. When we look at what's going on in Iraq today, what's going on in Syria, the amount of people killed from 1 September to 3 December is over 5,000 from terrorist related acts in Iraq, Syria and several other countries around the world.

In Iraq alone, in 2012 the total number killed was 2,400. From 1 September to 3 December, that has risen to 2,200 plus in a three-month period.

It's on the verge of a sectarian conflict.

The crisis in the Middle East is growing. And the threat to us from terrorist activities or safe havens and those being radicalized are growing.

What we found out in 9/11 — and I go back to Senator Grassley, your comments, we can't go back to a pre-9/11 moment. Sir, I absolutely agree with that. So we have to find out what is the right way for our nation to defend ourselves and our allies and protect civil liberties and privacy.

I think the way we're doing Section 215 is actually a good model, not just for our country, but for the rest of the world. It has the courts, Congress and the administration all involved.

Why do I say that?

The reason is, if you look at all the information that is out there, the billions and billions of books of information that are out there, there is no viable way to go through that information if you don't use meta data.

In this case meta data is a way of knowing where those books are in the library, and a way of focusing our collection the same that our allies do to look at where are the bad books.

From our perspective — from the National Security Agency's perspective, what we do is get great insights into the bad actors overseas. Armed that information, we can take the information, the to-from and what I do is I put that on a little card. It says from number, the to-number, the date, time group of the call and the duration. That's the element of information we use in the 215.

There is no content.

There are no names.

No e-mail addresses.

From my perspective, that is the least intrusive way that we can do this.

If we could come up with a better way, we ought to put it on the table and argue our way through it. The issue that I see right now is there isn't a better way. What we've come up with is can we change one?

But, Senator Grassley, you brought out a great point, 9/11 we couldn't connect the dots because we didn't have this capability to say someone outside the United States is trying to talk to someone inside the United States ...

LEAHY:

Well, we also had people in the administration that refused to listen to FBI agents who had picked up on what was happening here in the United States, when they were told it's not important even though anybody with a brain in their head would have known it was.

But go ahead. I understand your point. And let's stick the facts. We're not talking about a library. I had my first library card when I was four years old. I understand libraries, but let's talk about the NSA.

ALEXANDER:

Well, I think the important part for us, Mr. Chairman, is how do you know — how do you bring information that you know from outside the country to that which we have inside? How do you connect the dots?

And that's the issue with the metadata program. There is no other way that we know of to connect the dots. And so that's gets us back to do we not do that at all? Given that the threat is growing, I believe that is an unacceptable risk to our country.

So what we have to do is can we do more on the oversight and compliance and there are things that are being looked at. But taking these programs off the table, from my perspective, is absolutely not the thing to do.

I do agree with this discussion with industry as well that you brought up, Chairman. Industry ought to be a player in here. They have been hurt by this and I think unfairly hurt.

We ought to put this on the table from two perspectives. Industry has some technical capabilities that may be better than what we have. If they have ideas of what we could do better to protect this nation and our civil liberties and privacy, we should put it on the table.

And I think we should have a way of bringing government and industry together for the good of the nation and we ought to take those steps.

So, Mr. Chairman, I just want to end with this statement. We're a foreign intelligence agency. Our job is to figure out what's going on outside the United States and to provide that level of information to the FBI and others who are operating inside the United States.

To date, we've not been able to come with a better way of doing it. I'm not wed — I don't think anybody at NSA or the administration is wed to a specific program, but we do need something to help connect the dots, something that can help defend this country. And I think these programs have been effective.

That's all I have, Mr. Chairman.

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December 11, 2013

Dirksen Senate Office Building, Room 226, 2:00 p.m.

Panel I

The Honorable Keith B. Alexander
Director
National Security Agency
Fort Meade, MD

The Honorable James Cole
Deputy Attorney General
Department of Justice
Washington, DC

The Honorable Robert S. Litt
General Counsel
Office of the Director of National Intelligence
Washington, DC

Panel II

Edward Black
President & CEO
Computer & Communications Industry Association
Washington, DC

Julian Sanchez
Research Fellow
Cato Institute
Washington, DC

Carrie F. Cordero
Adjunct Professor of Law, Georgetown Law
Director, National Security Studies at Georgetown University Law Center
Washington, DC

Video via CSPAN.org

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Created at the direction of the President of the United States, [IC ON THE RECORD](#) provides immediate, ongoing and direct access to factual information related to the lawful foreign surveillance activities carried out by the U.S. Intelligence Community.

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